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ABSTRACT

The adoption of a multilateral international convention on the Universal Availability of Publications (UAP) is the best possible guarantee for the practical implementation of the decisions and recommendations of the UNESCO UAP conference to be held in 1981-82. This convention should declare the principle of UAP and should determine the basic obligations of national governments in the creation of the national infrastructure of a UAP system. It must not be too vague, nor should it circumvent any one of the core problems of UAP however difficult its regulation might seem at the beginning. International issues to be considered are the roles of UNESCO and IFLA, formation of an international collection of publications, adjustments of existing international agreements to the principles of UAP, and provision for a special UNESCO fund for UAP. National and regional issues include national planning of the UAP infrastructure; adjustment of national legislation to support UAP; national programs of publications acquisition; national measures to facilitate the international exchange of publications; comprehensive bibliographic control of national publications; creation of national libraries; provisions for interlending mechanisms; standardization of national copyright procedures; collection and dissemination of national statistics on library activities and UAP; and the formation of regional UAP collections. (RAA)

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THE FEASIBILITY OF AN INTERNATIONAL MULTILATERAL UNESCO CONVENTION ON THE UNIVERSAL AVAILABILITY OF PUBLICATIONS

by

Vladimir Popov

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Coordinating Board
of the IFLA Division of
Collections and Services

THE FEASIBILITY OF AN INTERNATIONAL MULTILATERAL UNESCO CONVENTION ON THE UNIVERSAL AVAILABILITY OF PUBLICATIONS

I. THE PROBLEM: INTRODUCTORY NOTES

In 1978 UNESCO suggested that an Intergovernmental Conference on the Universal Availability of Publications should be held in 1981-1982 under its auspices. IFLA wholeheartedly supported this idea because "an intergovernmental conference would not only highlight UAP in the best way possible[1] but would help to commit national governments to its support".[1] Such an intergovernmental conference would provide a unique world-wide forum for discussion of the internationally important problems of library development and library cooperation in collection building and services to readers. Such a large-scale international conference on governmental level on library problems has never before been convened and this is not likely to happen again in one or two decades to come.

IFLA agreed to undertake the elaboration of the working documents of the Intergovernmental Conference. At the 44th IFLA Council meeting in Strbské Pleso in 1978 not only the Executive Board but also some of the Divisions and Sections voted to support the proposal of UNESCO.

At its special open meeting devoted to the UAP, the Division of Collections and Services adopted three resolutions urging the Executive Board, the Professional Board and the UAP Steering Committee to support the proposal of UNESCO that an Intergovernmental Conference on the UAP should be convened in 1981-2; urging also the Coordinating Board of the Division to contact the Coordinating Boards of the other IFLA Divisions and discuss with them the possible cooperative studies and other interdivisional ventures aimed at the preparation of the UNESCO Intergovernmental Conference. It also decided that the Medium-term programmes of its component Sections should be reconsidered and supplemented with studies helping the preparation of the working documents of the UNESCO Intergovernmental Conference.[2]

In view of all that, we may expect that IFLA will fulfil its obligations and will be the master-mind of the future Intergovernmental Conference, as it was the originator of the UAP concept itself. All things give hopes that the Conference will achieve its goals.

What causes some justified concern, however, is the uncertainty about the intentions of UNESCO to follow up the results of the UAP Conference.

No doubt, the UAP Conference will provide a rare opportunity for representatives of national governments, of national and international library organizations, as well as librarians from all parts of the world to come together and exchange their views, show their possibilities and declare their intentions to help the solution of all crucial problems of library development and interlibrary cooperation. We hope that the extensive discussions would lead to an

international consensus on the feasibility of a world-wide system of UAP and the ways of achieving it.

In our opinion, however, this will not be sufficient. It will be of paramount importance not to lose momentum (as it happened in some cases in recent years) after the Conference. We must use its strong impetus and press for further action towards the general practical implementation of the UAP programme. We must make every effort to help UNESCO to hold a high-performance Conference bringing positive results. We must avoid a Conference of the type of the UNESCO Intergovernmental Conference on the Planning of National Documentation, Library and Archives Infrastructures, which, despite having been so well prepared and so solidely supported by IFLA and several other international organizations, failed to create any reliable international mechanism for practical implementation of the concept of national information systems (NATIS), which it formulated. As a result, even the notion of NATIS vanished from the UNESCO General Information Programme only 3 or 4 years after the Conference. We must prevent the programme of UAP from sharing the fate of NATIS. A second conference of the type of the NATIS Conference would be pointless, even harmful for the world librarianship.

We need a successful Conference which would only be the first stage of a powerful process of implanting the UAP idea into the minds of people all over the world, of the realization of the UAP programme in the everyday practice of human communications.

It seems to us that the best possible guarantee for the practical implementation of the decisions and recommendations of the UNESCO UAP Conference would be <u>the conclusion of a Multilateral International</u> Convention on the UAP under the auspices of UNESCO.

The draft of such a Convention should be debated at the UNESCO Intergovernmental Conference on the UAP and it should be formally concluded at the following General Conference of UNESCO.

This Multilateral UAP Convention should declare the principles of the UAP and should determine the basic obligations of national governments at the creation of the national infrastructures of a UAP system. An important point must be stressed here, however. Unlike some other international library ventures, the Universal Availability of Publications could become a truly effective system and produce its beneficial results only if and when it receives total support from all over the world, if and when not only countries with ample financial and material resources as well as developed library and publishing infrastructures, but also countries with poor resources and rudimentary development of library and other information facilities actively participate and cooperate. Fragmentary involvment or/and abstaining of dozens of countries or whole regions would not permit the projected UAP system to evolve and become really world-wide and might eventually discredit the very concept of the Universal Availability of Publications.3

Therefore, in order to attract world-wide support the Convention should be worded in such a way that it responds to the needs and the interests of all UNESCO member-states. Knowing as well the difficulties which preceded the conclusion of the UNESCO conventions on the international exchange of publications (Paris, 1958), we presume that the new UNESCO Convention on the UAP could only be accepted by all national governments of UNESCO member-states if it would not impose too many and too burdensome obligations on them. The Convention must determine solely the necessary and unavoidable commitments of national governments and should leave out all problems which seem to be important but concern only some countries or regions or have only secondary significance to the substance of the UAP system. At the

same time, the Convention must neither be too vague, nor must it circumvent anyone of the core problems of UAP - however difficult its regulation might seem at the beginning.

We do not try to formulate a draft-text of the future UAP Convention. We should only like to focus the attention of IFLA upon the basic issues which have to be regulated by the Multilateral UAP Convention so that a legislative framework for the UAP could be established - both on the international and on the national levels.

II. ISSUES TO BE REGULATED ON THE INTERNATIONAL LEVEL

We expect that the proposed Convention will consist of a preamble and two parts. The preamble should clearly state the general principles of the Universal Availability of Publications as well as the exact definitions of the notions "publication" and "availability". It should also describe the structure and functions of the world-wide system of UAP and its component national subsystems (infrastructures) - as parts of the national information systems (NATIS).

The first part of the Convention should establish some new international mechanisms and institutions as well as introduce some changes in the existing international legal regulation of interlibrary relations and free flow of information.

1. The rôle of UNESCO.

The Convention should define the special rôle of UNESCO as organizer of the world-wide system of UAP and its principal promoter and coordinator. It must also make it clear that the UAP system evolves within the framework of the UNESCO General Information Programme - as its permanent component part.

It seems essential that the Convention should create a special Permanent Secretariat for the UAP, incorporated in the structure of the UNESCO Division of the General Information Programme. If this will be unacceptable for UNESCO, the Permanent Secretariat could be established within the IFLA Headquarters but it must be funded by UNESCO on a regular basis.

The functions of the Permanent Secretariat should be:

- to coordinate the activities of the world-wide UAP system;
- to supervise and guide the activities of the international centre (or centres) of the UAP;
- to encourage the establishment of regional centres for the promotion of the UAP - either supranational centres (or collections) or national centres (collections) with regional responsibilities;
- to collect statistical data on the activities of national systems of UAP, process them and publish statistical surveys of the development of UAP;
- to foster the cooperation between regional centres of UAP and the national and international centres;
- to arrange or conduct studies of the development of national infrastructures of UAP and the development of the regional and the international centres;
- to sponsor experimental programmes for UAP, especially in developing countries;
- to give advice to governments, libraries, information centres, etc., on the UAP problems providing documentation, exchange of experience and experts' consultancy.

2. The rôle of IFLA.

The rôle of IFLA as originator of the UAP concept, as well as catalyst and promoter of a world-wide UAP system should also be

outlined.

If the Permanent Secretariat for UAP will be created within UNESCO the IFLA Office for the UAP should be established as an international research and advisory centre for the UAP, funded by UNESCO and IFLA. It should conduct studies, analyse experience of individual countries, make proposals, prepare publications, give impetus, ideas, encouragement. If the Permanent Secretariat for the UAP will not be created at UNESCO the IFLA Office for the UAP should assume its functions.

3. International collections for the UAP.

The Convention should establish one or several international collections entirely dedicated to the UAP. These collections must be directly sponsored and financially supported by UNESCO or by certain countries by contract with UNESCO. These must be comprehensive collections of documents supplied with appropriate technical facilities for reprography and transmission of relevant data to interested institutions and individuals in all parts of the world and especially to regional and national centres for UAP.

4. Adjustment of existing international agreements to the principles of UAP.

The UAP Convention should forsee the necessity of alterations in the texts of the multilateral conventions on copyright in order to adjust them to the principles of the Universal Availability of Publications. The UAP Convention should oblige the Governments of the contracting countries, or at least - strongly recommend to them, to start legislative procedures directed towards the abolishment of those copyright restrictions in each country which contradict the principles of UAP and impede their practical implementation.

Similar provisions should be made for adequate changes in the multilateral conventions regulating postal and transport services.

5. Special UNESCO fund for the UAP.

The UNESCO UAP Convention should establish a special fund at UNESCO designated to give financial loans to governments of countries with inadequate financial resources or inconvertible currencies for the purposes of the organization of national systems of UAP and putting them into effect (e.g. for acquision of publications through purchases on the world book markets, for payments for borrowed materials and reprographic copies, for import of electronic and other equipment and similar needs). The use of those loans should be under the close supervision of UNESCO in order to avoid misuse or deviation.

The Convention should oblige UNESCO to devote a much greater part of the funds of technical aid programmes to the purposes of setting up national systems of UAP. Provisions should be made for those funds to be used by all countries with inadequate financial resources.

The Convention should forsee the possibility for national governments of contracting countries to repay the loans they have received from UNESCO in their national currencies. The sums thus accumulated should stay within the recipient countries in special UNESCO bank accounts and should be used by UNESCO for its purposes of furthering the education, scientific research and cultural development of the countries within the same geographic region.

III. ISSUES TO BE REGULATED ON THE NATIONAL AND REGIONAL LEVELS

The second part of the Convention should define the obligations of contracting governments to start the necessary legal procedures for legislative regulation of the focal issues of the availability of publications within each individual country.

1. National planning of the UAP infrastructures.

The first goal of the Multilateral UNESCO Convention on the UAP should be to oblige each contracting government of a member-state to take direct responsibility for full participation of the respective country in the world-wide system of UAP by "supplying its own native publications - or publications contained in its libraries and not available elsewhere - by loan or photocopy to other countries on request".[4]

This goal could only be attained if an appropriate national system of UAP is created in each country, "a network of channels through which material held in different places can be made available wherever it is needed".[5]

Therefore, the Convention must oblige each contracting government to organize national planning of the national infrastructure of the UAP as a component part of the national information system (NATIS). Each government should be obliged to organize some form of national system of libraries irrespectively of the stage of development of the country's libraries. Without a library system guaranteeing certain level of cooperation, full national availability of publications could hardly be achieved. Consequently, efficient participation in a world-wide system of UAP would be virtually impossible.

The national planning of national systems of libraries and the national infrastructures of UAP like the planning of all information resources in general should not be isolated and fragmentary. It "...should be integrated with the overall national and sectoral development plans and interrelated with communication planning as a whole...".[6]

National governments of the participating UNESCO member-states should be obliged to approve governmental (national) plans for the availability of national and foreign publications. These plans should include national acquisition programmes, programmes for a comprehensive bibliographic control of domestic publications and for publishing of national bibliographies, programmes for establishing or improving of all-embracing legal deposit, programmes for creation of national libraries as national centres for UAP, programmes for organization of interlending collections and interlending systems, programmes for the improvement of the national postal, transport, communications and other facilities, guaranteeing the smooth and speedy transfer of information and delivery of documents, as well as programmes for consolidation and improvement of national statistics of library activities and UAP.

Each national government should accept and declare the general principle that citizens of other countries have the same right to access to the national non-confidential publications of the respective country as its own citizens.

2. Adjustment of national legislation.

We consider it essential that each contracting national government should review the present state of national legislation of the respective country which concerns the organization of libraries and library systems as well as policies on library and information

establishment of a national system of UAP should be repealed and new relevant legislation should be enacted.

3. National acquisition programmes.

Efficient national systems of UAP would be impossible without specific national acquisition programmes which must be the basic integral element of the national governmental plans on UAP.[7]

National acquisition programmes should cover the collection building of all types of libraries within each participating country: national, research, academic, special, public.

First priority should be given to the building up of collections of domestic publications, esp. of the collections of libraries which are directly involved in the national UAP systems. Library collections designed to serve as UAP collections must be built up mainly through legal deposit. This should be an explicit requirement of the new UAP UNESCO Convention. Accordingly, each participating country should enact a legal deposit law. Existing laws should be reviewed and improved in order to cover all types of publications including official publications, report literature, ephemeral publications, audio-visual media, etc. Legal deposit copies for the UAP collections should be given for active interlending use and must have nothing in common with the deposit copies supplied to national libraries for archival purposes.[8]

Special attention must be given to the availability of older domestic publications. Appropriate regulations should be issued obliging libraries participating in national UAP systems to fill in the gaps in collections of older publications through second-hand purchases, exchange, or reprography - accordingly changing copyright regulations.

The Convention should also require from contracting governments that in their national acquisition programmes they should include provisions for building up comprehensive collections of foreign publications. These collections should be able to satisfy the great majority of internal requests for foreign materials, thus relieving the enormous load on the international lending. For countries with very poor financial resources and with rudimentary library facilities the Convention should foresee special transitional measures (loans, extensive use of foreign collections, etc.).

The Convention should oblige contracting governments of countries with inconvertible currencies to stimulate the library acquisitions of foreign publications by reducing or lifting currency restrictions on the purchase of such publications and by augmenting currency appropriations to libraries with a national responsibility.[9]

The acquisition programmes of governments should also provide for possible reallocation of collection resources in order to reach the best possible use of them as well as full availability.

National governmental acquisition programmes should also explicitly determine the particularly important rôle that national libraries have to play in national acquisitions and in creating national collections of documents by giving methodological guidance to other libraries, by planning interlibrary cooperation in library acquisition and ensuring availability, by systematic building up of their own collections as a basis of the national collections of documents.[10]

4. Exchange of publications.

The governments of the contracting States should be obliged to take further measures to facilitate and boost the exchange of publications because "...exchanges will accellerate the fulfilment of the UAP programme; UAP will never be possible without the exchange

of publications".11

National governments should issue appropriate regulations enabling national and other important libraries participating in the national systems of UAP to conclude direct agreements with foreign libraries on large-scale exchange programmes. Governments should regularly supply those libraries with the necessary quantities of official publications, research and technical reports, etc., for exchange purposes as well as with sufficient funds for obtaining commercial publications earmarked for exchange.

Contracting governments should be obliged by the Convention to facilitate and foster the exchanges with libraries in developing countries. They should supply exchange centres and other exchanging libraries with funds from technical aid programmes to meet the cost of purchase of literature and dispatch as well as to cover possible imballances in the exchange with developing countries.12

The Convention should also oblige contracting governments to guarantee free postal and sea transport of exchange shipments from national exchange centres and reduce postal rates for exchange shipments of national and other exchanging libraries, as well as to free them from customs duties and other charges...

5. Comprehensive bibliographic control of national publications

The UAP Convention should oblige each contracting government to organize comprehensive bibliographic control of all publications issued in the respective country including official publications of parliaments, federal, central, regional and local government offices, as well as government reports, audio-visual media and similar imprints. The national bibliographic control should be organized according to the principles and recommendations of the IFLA/UNESCO programme for Universal Bibliographic Control. In order to reach maximum unity and speed in the overall international process of communication exchange, extensive use should be made of the rules of international standard description of different categories of publications elaborated by the IFLA UBC Office in national bibliographies and in other similar bibliographic tools issued by the governments.

The UAP Convention should oblige governments of countries where no national bibliography exists to arrange for a regular publication of a current national bibliography in an internationally approved form and according to the above mentioned standards.13

National governments should also encourage and support the compilation and publication of retrospective national bibliographies, which will be of immense value to the UAP.

6. Creation of a national library.

In a country where no national library exists up to now, the government should be obliged by the Convention to create a national library as central institution of the national system of UAP. Each new national library should receive legal deposit copies of all national imprints as well as abundant funds to purchase additional copies of national publications for servicing of readers and for exchange purposes. If no special dedicated interlending collection exist in the country the national library should build up a core collection for interlending purposes.

As a rule, the new national library should also possess a selective collection of the most important foreign publications for reference purposes and for interlending (if this is appropriate).

In countries where national libraries exist, governments should

and equipment with regard to the efficient fulfilment of their functions as basic institutions of national UAP systems.

All national libraries should be empowered to coordinate and guide the national systems of UAP. Each national library should take active part in the planning and supervision of the nation-wide library and information service of the country and exercise efficient coordination of the activities of libraries and documentation centres.[14] It should serve as a linking mechanism between the reference retrieval systems of the country and library reference services in order to assure rapid information as to from where each necessary publication can be obtained.

National libraries should supervise the implementation of national acquisition programmes and should coordinate the building up of library collections in the country. It should also direct possible reallocations of library collections in order to obtain an easier utilization and better availability of publications.

National libraries should supervise the process of automation of library and bibliographic processes in the respective countries as well as the international interchange of machine-readable data files.

7. Interlending issues.

Each contracting government should take direct responsibility to create an efficient and smoothly working mechanism of internal and international lending of publications. The type of interlending system must be each government's choice but the guiding principle should be: concentration on a limited number of libraries.[15]

Irrespectively of the type of interlending chosen, each country should be obliged to establish a national interlending centre which should control (and filter) loan requests to be sent abroad as well as direct foreign requests to the respective authorized interlending libraries for execution. This centre could coincide with the national library or with a central lending library.

Each contracting government should oblige the designated interlending libraries to lend not only all non-confidential national publications but also foreign publications held in their collections (irrespectively of their date and place of issue) to foreign requesting libraries. UNESCO should elaborate and introduce special arrangements about the lending of manuscripts and old books (in cases when such lending is feasible).

The obligation for lending should apply to fairly recent publications as well. The present practice of exclusion of recent publications (publications in print) is already unjustified in view of the deteriorating library acquisitions all over the world caused by the prohibitive inflationary rise of prices of scientific publications.

When interlending is unfeasible, uneconomic or impractical, reprographic copies of the requested publications should be sent instead of originals. For this purpose, contracting governments should supply designated interlending institutions with modern reprographic equipment and other necessary facilities.

Contracting governments should be obliged to facilitate and stimulate the interlending through adequate measures, such as the establishment of extensive union catalogues of foreign periodicals and books held in domestic libraries or improvement of existing union catalogues, adoption of programmes for filling up the lacunae in collections of domestic publications, adequate financing of the activities of interlending libraries, etc. Contracting governments should help UAP and esp. libraries in developing countries by reversing the trend of rising charges for lending and reprographic

copies. The ultimate aim should be: abolition of payment for loan and copies. The Convention should introduce at least some transitional measures as e.g. reduction of present charges by 50%, mutual acceptance of the rule that the first 10 or 15 reprographic copies should be sent free of charge, etc.

National governments should take explicit obligations to remove barriers to UAP by abolishing customs duties, high transport and postal fares for interlending shipments, by introducing favourable tariffs for airmail, airfreight and speedy surface delivery of interlending material.

8. Copyright issues.

The latest development in copyright protection throughout the world contradicts the principles of UAP and the legitimate needs of libraries, researchers, educators, students, specialists in all branches of human activities. It presents the highest barrier before a world-wide UAP system.

Therefore, it is absolutely essential that the UAP Convention should regulate the copyright issues in libraries.[16]

Each contracting government should accept the principle that there is no infringement of copyright when:

a) a library lends copyrighted materials for use in its reading-rooms;

b) a library lends copyrighted materials to other libraries in the country or abroad - for use in their reading-rooms;

c) a library prepares single reprographic copies of copyrighted journal articles or fragments of copyrighted books and other publications for the personal use of individual readers to satisfy their research, educational or other professional needs;

d) a library prepares single reprographic copies of copyrighted journal articles or fragments of other copyrighted publications and sends them abroad to satisfy research, educational or other professional needs of individuals - as a sustitute for originals;

e) a library sends reprographic copies of copyrighted journal articles or fragments of copyrighted books, etc., to other libraries in the same country or abroad in the framework of the exchange of publications - if the recipient library takes the obligations to include the copies received into its collections, to lend them to readers only in its reading-rooms in order to satisfy their personal research, educational and other professional needs, and not to allow any further multiplication of those copies;

f) under similar conditions a library sends copies of copyrighted data files on listings produced by the printers of computers to other libraries in the country or abroad as a replacement of loan or on an exchange basis;

g) a library produces copies of copyrighted materials (inclusive whole books) in order to replace and thus conserve valuable originals of its own collections, provided that they are out of print and not readily available through normal channels, as well as for replacement of missing parts of publications in library collections.

On the international level, UNESCO should negotiate with all interested governments relevant alterations of those stipulations of the multilateral conventions on copyright which are conflicting with the principles stated above.

9. National statistics on library activities and UAP.

Each contracting government must take the obligation to review, extend and consolidate library statistics of library activities

in general and their activities aimed at achieving UAP.

Special attention should be given to the interlending statistics which should collect detailed data on interlending transactions, classify and interpolate them for the purposes of efficient management of national and international systems of UAP. The same applies to the statistical observation of the acquisition processes, the exchange of publications and all aspects of library services to readers, incl. information retrieval processes.

The UNESCO recommendations on library statistics should be again reviewed and augmented accordingly.

10. Regional UAP collections.

The new Convention should strongly recommend the formation of regional collections for the purposes of UAP. These could be regional supranational collections owned by several countries simultaneously or national collections with regional functions owned by one country with other countries sharing some of the costs of maintenance.[17]

The Convention should leave free option to national governments of countries belonging to distinct geographical regions, or countries participating in regional, economic or political communities to negotiate among themselves the establishment of such regional interlending and/or reference collections.

In order to achieve the best possible standardization of the services of regional supranational collections (thus assuring the intercommunication among regional centres or among regional and national centres and facilitating the UAP) regional collections must be closely observed and guided by UNESCO. UNESCO should give additional financial and technical aid to regional collections.

The complicated legal and technical problems of the planning, organization, funding and maintenance of such collections as well as the distribution of possible income remain to be solved by the relevant cooperating countries but UNESCO should elaborate some model regulations.

11. Concluding remarks.

These are in our opinion the essential issues which the proposed Multilateral UNESCO Convention on the UAP should regulate. There are also other prerequisites for the achievement of an world-wide system of UAP such as the activities of national governments towards the total eradication of illiteracy, the extensive education of library and information personnel, the social status of librarians and their remuneration. Understandably enough, those problems could not be dealt with in the present document and should not be treated in the projected Convention.

August 1979

(Compiled by Vladimir Popov
for the Coordinating Board of
the IFLA Division for Collections
and Services)

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